REMARKS

This application has been carefully reviewed in light of the Office Action dated July 9, 2008. Claims 1 to 18, 20 and 22 remain pending in the application, with Claims 19 and 21 having been canceled. Claims 1, 10 and 20 are the independent claims. Reconsideration and further examination are respectfully requested.

Although no objections were entered in the Office Action, the specification has been amended to add headings. No new matter has been added.

Claims 1 to 6 and 10 to 20 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 7,136,927 (Traversat), Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) over Traversat in view of U.S. Patent No. 7,154,621 (Rodriguez) and U.S. Publication No. 2002/0141499 (Goertzen), Claim 9 was rejected under § 103(a) over Traversat in view of U.S. Patent No. 6,628,843 (Eschbach) and Goertzen, and Claims 21 and 22 were rejected under § 35 U.S.C. 103(a) over Traversat in view of U.S. Publication No. 2003/0128987 (Mayer). The rejections are respectfully traversed and the Examiner is requested to reconsider and withdraw the rejections in light of the following comments.

The present invention allocates a service between peers. In the invention, a distance between first and second peers is evaluated, where the distance is a distance in a graph of peers. For example, by reference to Fig. 2a of the present application, a graphic is depicted with the distances between the peers having a value of 1 or 2 based on a link between peers. A first peer that allocates the service selects a service according to the evaluated distance, and then allocates the selected service to a second peer in the network.

Referring specifically to the claim language, independent Claim 1 is directed to a method of allocating at least one service by a first peer to a second peer, the

first and second peers being linked by means of a computer communication network, the first and second peers belonging respectively to a first and second group of peers adapted to share data, comprising the steps of evaluating a distance between the first and second peers, wherein the distance between the first and second peers is a distance in a graphic of peers, selecting by the first peer a service supplied by the first peer, the service being selected according to the evaluated distance, and allocating the selected service to the second peer.

Claims 10 and 20 are apparatus and computer medium claims, respectively, that substantially correspond to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of the invention, and in particular, is not seen to disclose or to suggest at least the features of evaluating a distance between first and second peers, wherein the distance between the first and second peers is a distance in a graphic of peers, selecting by the first peer a service supplied by the first peer, the service being selected according to the evaluated distance, and allocating the selected service to the second peer.

The Office Action admits at page 22 that "Traversat did not disclose wherein said distance between said first and second peers is a distance in a graph of peers, which was previously included in Claim 21. However, the Office Action cited Mayer for allegedly making up for this deficiency in Traversat.

As Applicants understand Mayer, it merely teaches a system and method for improving the efficiency of routers on the Internet and other types of networks in order to allow packet switching which is more efficient than circuit switching. The solution

proposed for improving routing comprises marking and detecting packet headers so as to facilitate switching decisions at the routers level.

In more detail, in paragraph [0031] cited in the Office Action, it is explained in Mayer that the header of the packets is marked with an optically intrusive mark. The target address is positioned either very close to the beginning of the header, or at a constant position. Further, it is proposed to use GPS coordinates of the routers so as to take into account the geographical location of the routers and their distance to the target to choose the routing path. (see page 5, left column, lines 19 to 48). The notion of graph of routers seen as peers between each other is illustrated in figure 1c. However, the graph represented by figure 1c of Mayer is fully connected (all so-called MAIN routers "*are directly connected with high bandwidth*") so that the distance between two peers in the graph of peers as represented is necessarily equal to 1 (one hop). Thus, in Mayer, the routing path between two routers is not chosen from the distance in the graph of peers, but by taking into account a geographical distance between the routers. Consequently, Mayer is not seen to disclose a step of evaluating a distance in a graph of peers, nor a step of selecting a service supplied by the peer according to the evaluated distance. Thus, Claims 1, 10 and 20, as well as the claims dependent therefrom, are believed to be allowable.

The other applied references, namely Rodriguez, Goertzen and Eschbach, have been studied by none of those references are seen to disclose anything that, when combined with Traversat and/or Mayer, would have resulted in the features of evaluating a distance between first and second peers, wherein the distance between the first and second peers is a distance in a graphic of peers, selecting by the first peer a service supplied by the

first peer, the service being selected according to the evaluated distance, and allocating the selected service to the second peer.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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